

(b) The transportation allowance authorized by subsection (a) is an allowance provided—

- (1) in connection with authorized leave; and
- (2) for the cost of transportation—

(A) from a member's permanent duty station to a place approved by the Secretary concerned and from that place to his permanent duty station; or

(B) from a member's permanent duty station to a place no farther distant than his home of record (if he is a member without dependents) and from that place to his permanent duty station.

(c) The transportation allowance authorized by subsection (a) may not be provided to an enlisted member who, with respect to an extension of duty described in subsection (a)—

(1) elects to receive special pay under section 314 of this title for duty performed during such extension of duty; or

(2) elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 for such extension of duty.

(d) The authority under this section shall expire on October 1, 1989.

(Added Pub. L. 100-180, div. A, title VI, § 614(a)(1), Dec. 4, 1987, 101 Stat. 1093; amended Pub. L. 100-456, div. A, title VI, § 624(a), Sept. 29, 1988, 102 Stat. 1984; Pub. L. 101-189, div. A, title VI, § 653(c)(1), Nov. 29, 1989, 103 Stat. 1462.)

#### AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189 struck out “to” after “may be paid” in concluding provisions.

1988—Subsec. (a). Pub. L. 100-456 substituted “may be paid” for “is entitled” in concluding provisions.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 624(b) of Pub. L. 100-456 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to agreements to extend overseas tours of duty made on and after the date of the enactment of this Act [Sept. 29, 1988].”

#### EFFECTIVE DATE

Section 614(b) of Pub. L. 100-180 provided that: “Section 411g of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements to extend overseas tours of duty made after the date of the enactment of this Act [Dec. 4, 1987].”

#### GAO REVIEW AND REPORT

Section 614(c) of Pub. L. 100-180 directed Comptroller General to review implementation of 37 U.S.C. 411g after it has been in effect for one year, for the purpose of comparing the total cost to the Department of Defense of the transportation allowance allowed under such section with the total cost that would have been incurred by the Department of Defense over such period if such section had not been in effect and to submit to Congress a report on such review no later than Mar. 1, 1989.

#### § 411h. Travel and transportation allowances: transportation of family members incident to illness or injury of members

(a)(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (c) may be provided for not more than three family members

of a member described in paragraph (2) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of the family member may contribute to the member's health and welfare. In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members provided travel and transportation under this section.

(2) A member referred to in paragraph (1) is a member of the uniformed services who—

(A) is serving on active duty, is entitled to pay and allowances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section), or is retired for the illness or injury referred to in subparagraph (B); and

(B) either—

(i) is seriously ill, seriously injured, or in a situation of imminent death (whether or not electrical brain activity still exists or brain death is declared), and is hospitalized in a medical facility in or outside the United States; or

(ii) is not described in clause (i), but has an injury incurred in an operation or area designated as a combat operation or combat zone, respectively, by the Secretary of Defense and is hospitalized in a medical facility in the United States for treatment of that injury.

(3) Not more than one roundtrip may be provided to a family member under paragraph (1) on the basis of clause (ii) of paragraph (2)(B).

(b)(1) In this section, the term “family member”, with respect to a member, means—

(A) the member's spouse;

(B) children of the member (including stepchildren, adopted children, and illegitimate children);

(C) parents of the member or persons in loco parentis to the member, as provided in paragraph (2);

(D) siblings of the member; and

(E) a person related to the member as described in subparagraph (A), (B), (C), or (D) who is also a member of the uniformed services.

(2) Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

(3) In this section, the term “health and welfare”, with respect to a member, includes a situation in which a decision must be made by family members regarding the termination of artificial life support being provided to the member.

(c)(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member and the location of the medical facility in which the member is hospitalized.

(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established under section 404(d) of this title.

(d)(1) The transportation authorized by subsection (a) may be provided by any of the following means:

(A) Transportation in-kind.

(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

(C) Reimbursement for the commercial cost of transportation.

(2) An allowance payable under this subsection may be paid in advance.

(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel.

(Added Pub. L. 100-180, div. A, title VI, § 615(a)(1), Dec. 4, 1987, 101 Stat. 1095; amended Pub. L. 100-456, div. A, title VI, § 632(a), Sept. 29, 1988, 102 Stat. 1985; Pub. L. 103-337, div. A, title VI, § 624, Oct. 5, 1994, 108 Stat. 2785; Pub. L. 108-136, div. A, title VI, § 632, Nov. 24, 2003, 117 Stat. 1508; Pub. L. 108-375, div. A, title VI, § 632(a), (b), Oct. 28, 2004, 118 Stat. 1956; Pub. L. 109-13, div. A, title I, § 1026(a), (b)(1), May 11, 2005, 119 Stat. 254; Pub. L. 109-163, div. A, title VI, § 655(b), Jan. 6, 2006, 119 Stat. 3314; Pub. L. 109-364, div. A, title VI, § 631, Oct. 17, 2006, 120 Stat. 2258.)

#### AMENDMENTS

2006—Subsec. (a)(2)(B)(ii). Pub. L. 109-163 struck out “under section 1967(e)(1)(A) of title 38” after “Secretary of Defense”.

Subsec. (b)(1)(E). Pub. L. 109-364 added subpar. (E).

2005—Pub. L. 109-13, § 1026(b)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members”.

Subsec. (a)(2)(B), (C). Pub. L. 109-13, § 1026(a)(1)(B), added subpar. (B) and struck out former subpars. (B) and (C) which read as follows:

“(B) is seriously ill, seriously injured, or in a situation of imminent death, whether or not electrical brain activity still exists or brain death is declared; and

“(C) is hospitalized in a medical facility in or outside the United States.”

Subsec. (a)(3). Pub. L. 109-13, § 1026(a)(2), added par. (3).

2004—Subsec. (a)(1). Pub. L. 108-375, § 632(a), (b)(1), inserted “travel and” before “transportation”, substituted “three family members” for “two family members”, and inserted second sentence.

Subsec. (c). Pub. L. 108-375, § 632(b)(2), designated existing provisions as par. (1) and added par. (2).

2003—Subsec. (a)(1). Pub. L. 108-136, § 632(1), substituted “control” for “military control”.

Subsec. (a)(2)(A). Pub. L. 108-136, § 632(2), substituted “, is entitled” for “or is entitled” and inserted before semicolon at end “, or is retired for the illness or injury referred to in subparagraph (B)”.

1994—Subsec. (a)(1). Pub. L. 103-337, § 624(a)(1), substituted “may contribute to” for “is necessary for”.

Subsec. (a)(2)(B). Pub. L. 103-337, § 624(a)(2), added subpar. (B) and struck out former subpar. (B) which read as follows: “is seriously ill or seriously injured; and”.

Subsec. (b)(3). Pub. L. 103-337, § 624(b), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100-456 amended par. (2) generally, inserting “or is entitled to pay and allow-

ances under section 204(g) of this title (or would be so entitled were it not for offsetting earned income described in that section)” in subpar. (A).

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-163, div. A, title VI, § 655(c), Jan. 6, 2006, 119 Stat. 3314, provided that: “The amendments made by this section [amending this section and repealing provisions set out as notes under this section] shall take effect on the earlier of the following:

“(1) The date of the enactment of this Act [Jan. 6, 2006].

“(2) The date specified in section 106(3) of Public Law 109-77 (119 Stat. 2039) [Dec. 31, 2005].”

#### EFFECTIVE AND TERMINATION DATES OF 2005 AMENDMENTS

Pub. L. 109-77, § 115, Sept. 30, 2005, 119 Stat. 2040, provided that: “The provisions of, and amendments made by, sections 1011, 1012, 1013, 1023, and 1026 of Public Law 109-13 [amending this section, section 1478 of Title 10, Armed Forces, and sections 1967, 1969, 1970, and 1977 of Title 38, Veterans’ Benefits, and enacting provisions set out as notes under this section, section 1478 of Title 10, and section 1967 of Title 38] shall continue in effect, notwithstanding the fiscal year limitation in section 1011 [119 Stat. 244] and the provisions of sections 1012(i), 1013(e), 1023(c), and 1026(e) of that Public Law [enacting provisions set out as notes under this section, section 1478 of Title 10, and section 1967 of Title 38], through the earlier of: (1) the date specified in section 106(3) of this joint resolution [Dec. 31, 2005]; or (2) with respect to any such section of Public Law 109-13, the date of the enactment into law of legislation that supersedes the provisions of, or the amendments made by, that section.”

Pub. L. 109-13, div. A, title I, § 1026(e), May 11, 2005, 119 Stat. 255, which provided that the amendments made by section 1026 of Pub. L. 109-13 (amending this section) were to terminate Sept. 30, 2005, and that effective Oct. 1, 2005, the provisions of section 411h of title 37 as in effect on the date before the date of the enactment of this Act (May 11, 2005) were to be revived, was repealed by Pub. L. 109-163, div. A, title VI, § 655(a), Jan. 6, 2006, 119 Stat. 3314. See Effective Date of 2006 Amendment note and section 115 of Pub. L. 109-77 set out above.

#### EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-375, div. A, title VI, § 632(c), Oct. 28, 2004, 118 Stat. 1956, provided that: “Section 411h of title 37, United States Code, as amended by this section, shall apply to travel and transportation authorized under such section that is provided on or after October 1, 2004, to family members of a member of the Armed Forces who is ill or injured as described in such section.”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 632(c) of Pub. L. 100-456, set out as a note under section 411f of this title.

#### EFFECTIVE DATE

Section 615(b) of Pub. L. 100-180 provided that: “The authority to provide transportation or to pay transportation expenses under section 411h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.”

#### REPORT ON TRAVEL IN EXCESS OF CERTAIN LIMIT

Pub. L. 109-13, div. A, title I, § 1026(d), May 11, 2005, 119 Stat. 255, which provided that if in any fiscal year the amount of travel provided in such fiscal year under this section by reason of the amendments made by section 1026 of Pub. L. 109-13 exceeded \$20,000,000, the Secretary of Defense was to submit to the congressional defense

committees a report on that fact, was repealed by Pub. L. 109-163, div. A, title VI, §655(a), Jan. 6, 2006, 119 Stat. 3314.

**§ 411i. Travel and transportation allowances: parking expenses**

(a) **REIMBURSEMENT AUTHORITY.**—Under regulations prescribed by the Secretary of Defense, the Secretary of a military department may reimburse eligible Department of Defense personnel for expenses incurred after October 1, 2001, for parking a privately owned vehicle at a place of duty described in subsection (b).

(b) **ELIGIBILITY.**—A member of the Army, Navy, Air Force, or Marine Corps or an employee of the Department of Defense may be reimbursed under subsection (a) for parking expenses while—

(1) assigned to duty as a recruiter for any of the armed forces;

(2) assigned to duty at a military entrance processing facility of the armed forces; or

(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

(Added Pub. L. 106-398, §1 [[div. A], title VI, §645(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-161.)

**§ 411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive**

(a) **ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.**—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than three family members of a member described in subsection (b).

(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

(4) In circumstances determined to be appropriate by the Secretary concerned, the Secretary may waive the limitation on the number of family members of a member provided travel and transportation allowances under this section.

(b) **COVERED MEMBERS.**—A member described in this subsection is a member of the uniformed services who—

(1) is serving on active duty;

(2) was held captive, as determined by the Secretary concerned; and

(3) is repatriated to a site inside or outside the United States.

(c) **ELIGIBLE FAMILY MEMBERS.**—In this section, the term “family member” has the meaning given the term in section 411h(b) of this title.

(d) **TRAVEL AND TRANSPORTATION AUTHORIZED.**—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

(4) An allowance under this subsection may be paid in advance.

(5) Reimbursement payable under this subsection may not exceed the cost of Government-procured round-trip air travel.

(Added Pub. L. 109-163, div. A, title VI, §653(a), Jan. 6, 2006, 119 Stat. 3312.)

**§ 412. Appropriations for travel: may not be used for attendance at certain meetings**

Appropriations of the Department of Defense that are available for travel may not, without the approval of the Secretary concerned or his designee, be used for expenses incident to attendance of a member of an armed force under that department at a meeting of a technical, scientific, professional, or similar organization.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 476.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
412 .....	5:174a.	Aug. 1, 1953, ch. 305, §605, 67 Stat. 349.

The words “may not . . . be used” are substituted for the words “shall not be available”. The words “on and after August 1, 1953” are omitted as executed. The words “Secretary concerned” are substituted for the words “Secretary of the department concerned” to conform to other sections of this revised title and to the definition in section 101(5) of this revised title. So much of the source statute as relates to civilian employees is omitted as superseded by the Act of July 7, 1958, Pub. L. 85-507, 72 Stat. 327.

**PRIOR PROVISIONS**

Act Aug. 1, 1953, cited as the source of this section in the Historical and Revision Notes above, is known as the Department of Defense Appropriation Act, 1954. Similar provisions were contained in the following prior appropriation acts:

July 10, 1952, ch. 630, title VI, §606, 66 Stat. 531.